

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ADRIANA RISSE</b> ,	:	<b>CIVIL ACTION</b>
<i>Plaintiff,</i>	:	
	:	
v.	:	<b>No. 18-4758</b>
	:	
<b>ANDREW SAUL,</b>	:	
<i>Defendant.</i>	:	

**MEMORANDUM**

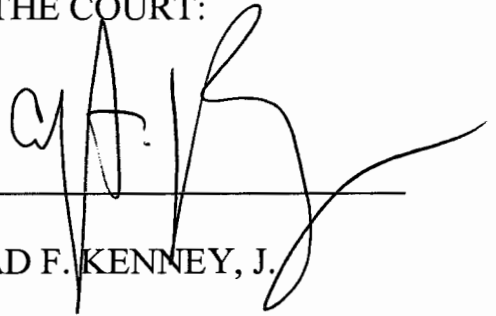
Plaintiff petitioned this Court, pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, for an award of attorney fees in the amount of \$4,531.34. ECF No. 24. Plaintiff contends that because the Court remanded this action to the Social Security Administration, Plaintiff is the “prevailing party,” the Commissioner’s position in this litigation was without justification, and thus, Plaintiff is entitled to attorney fees under the EAJA. *Id.* The Commissioner argues that the Court should deny Plaintiff’s petition for attorney fees contending that the Commissioner’s position in this case was substantially justified and thus, Plaintiff is not entitled to attorney fees under the EAJA. ECF No. 25.

The Court agrees with the Commissioner. Indeed, this Court acknowledged in the Memorandum in support of its Order remanding the matter to the Social Security Administration (ECF No. 22) that its decision “breaks from the emerging consensus of federal district courts to address this issue.” ECF No. 22 p. 5. Thus, it would be illogical to conclude that the Commissioner’s position in this litigation

was not substantially justified. Accordingly, Plaintiff's Motion for Attorney Fees (ECF No. 24) will be denied. An appropriate Order follows.

DATED: 11-8-2019

BY THE COURT:

  
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CHAD F. KENNEY, J.